

**ASSEMBLY, No. 1415**

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**STATE OF NEW JERSEY**

**220th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

**Sponsored by:**

**Assemblyman ROBERT AUTH**  
**District 39 (Bergen and Passaic)**

**Co-Sponsored by:**

**Assemblymen Space, Dancer and DiMaio**

**SYNOPSIS**

Repeals “Medical Aid in Dying for the Terminally Ill Act.”

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning medical aid in dying for the terminally ill,  
2 amending P.L.1991, c.270 and N.J.S.2C:11-6, and repealing  
3 sections 1 through 26 of P.L.2019, c.59.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. Section 1 of P.L.1991, c.270 (C.2A:62A-16) is amended to  
9 read as follows:

10 1. a. Any person who is licensed in the State of New Jersey to  
11 practice psychology, psychiatry, medicine, nursing, clinical social  
12 work, or marriage and family therapy, whether or not compensation  
13 is received or expected, is immune from any civil liability for a  
14 patient's violent act against another person or against himself unless  
15 the practitioner has incurred a duty to warn and protect the potential  
16 victim as set forth in subsection b. of this section and fails to  
17 discharge that duty as set forth in subsection c. of this section.

18 b. A duty to warn and protect is incurred when the following  
19 conditions exist:

20 (1) The patient has communicated to that practitioner a threat of  
21 imminent, serious physical violence against a readily identifiable  
22 individual or against himself and the circumstances are such that a  
23 reasonable professional in the practitioner's area of expertise would  
24 believe the patient intended to carry out the threat; or

25 (2) The circumstances are such that a reasonable professional in  
26 the practitioner's area of expertise would believe the patient  
27 intended to carry out an act of imminent, serious physical violence  
28 against a readily identifiable individual or against himself.

29 **【A duty to warn and protect shall not be incurred when a**  
30 **qualified terminally ill patient requests medication that the patient**  
31 **may choose to self-administer in accordance with the provisions of**  
32 **P.L.2019, c.59 (C.26:16-1 et al.).】**

33 c. A licensed practitioner of psychology, psychiatry, medicine,  
34 nursing, clinical social work, or marriage and family therapy shall  
35 discharge the duty to warn and protect as set forth in subsection b.  
36 of this section by doing one or more of the following:

37 (1) Arranging for the patient to be admitted voluntarily to a  
38 psychiatric unit of a general hospital, a short-term care facility, a  
39 special psychiatric hospital, or a psychiatric facility, under the  
40 provisions of P.L.1987, c.116 (C.30:4-27.1 et seq.);

41 (2) Initiating procedures for involuntary commitment to  
42 treatment of the patient to an outpatient treatment provider, a short-  
43 term care facility, a special psychiatric hospital, or a psychiatric  
44 facility, under the provisions of P.L.1987, c.116 (C.30:4-27.1 et  
45 seq.);

**EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is  
not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 (3) Advising a local law enforcement authority of the patient's  
2 threat and the identity of the intended victim;

3 (4) Warning the intended victim of the threat, or, in the case of  
4 an intended victim who is under the age of 18, warning the parent  
5 or guardian of the intended victim; or

6 (5) If the patient is under the age of 18 and threatens to commit  
7 suicide or bodily injury upon himself, warning the parent or  
8 guardian of the patient.

9 d. A practitioner who is licensed in the State of New Jersey to  
10 practice psychology, psychiatry, medicine, nursing, clinical social  
11 work, or marriage and family therapy who, in complying with  
12 subsection c. of this section, discloses a privileged communication,  
13 is immune from civil liability in regard to that disclosure.

14 e. In addition to complying with subsection c. of this section, a  
15 licensed practitioner shall notify the chief law enforcement officer  
16 of the municipality in which the patient resides or the  
17 Superintendent of State Police if the patient resides in a  
18 municipality that does not have a full-time police department that a  
19 duty to warn and protect has been incurred with respect to the  
20 patient and shall provide to the chief law enforcement officer or  
21 superintendent, as appropriate, the patient's name and other non-  
22 clinical identifying information. The chief law enforcement officer  
23 or superintendent, as appropriate, shall use that information to  
24 ascertain whether the patient has been issued a firearms purchaser  
25 identification card, permit to purchase a handgun, or any other  
26 permit or license authorizing possession of a firearm.

27 If the patient has been issued a firearms purchaser identification  
28 card, permit to purchase a handgun, or any other permit or license  
29 authorizing possession of a firearm, or if there is information  
30 indicating that the patient otherwise may have access to a firearm,  
31 the information provided may be used in determining whether the  
32 patient has become subject to any of the disabilities set forth in  
33 subsection c. of N.J.S.2C:58-3. If the chief law enforcement officer  
34 or superintendent, as appropriate, determines that the patient has  
35 become subject to any of the disabilities set forth in subsection c. of  
36 N.J.S.2C:58-3, any identification card or permit issued to the  
37 patient shall be void and subject to revocation by the Superior Court  
38 in accordance with the procedure established in subsection f. of  
39 N.J.S.2C:58-3.

40 If the court determines that the patient is subject to any of the  
41 disabilities set forth in subsection c. of N.J.S.2C:58-3 and revokes  
42 the patient's firearms purchaser identification card in accordance  
43 with the procedure established in subsection f. of N.J.S.2C:58-3, the  
44 court may order the patient to surrender to the county prosecutor  
45 any firearm owned by or accessible to the patient and order the  
46 prosecutor to dispose of the firearms. When the court orders the  
47 county prosecutor to dispose of the firearms, the prosecutor shall  
48 dispose of the firearms as provided in N.J.S.2C:64-6.

1 If the court, upon motion of the prosecutor, finds probable cause  
2 that the patient has failed to surrender any firearm, card, or permit,  
3 the court may order a search for and removal of these items at any  
4 location where the judge has reasonable cause to believe these items  
5 are located. The judge shall state with specificity the reasons and  
6 the scope of the search and seizure authorized by the order.

7 A firearm surrendered or seized pursuant to this subsection  
8 which is not legally owned by the patient shall be immediately  
9 returned to the legal owner of the firearm if the legal owner submits  
10 a written request to the prosecutor attesting that the patient does not  
11 have access to the firearm.

12 A law enforcement officer or agency shall not be held liable in  
13 any civil action brought by any person for failing to learn of, locate,  
14 or seize a firearm pursuant to this subsection.

15 A patient who is determined to be subject to any of the  
16 disabilities established in paragraph (3) of subsection c. of  
17 N.J.S.2C:58-3 and submits a certificate of a medical doctor or  
18 psychiatrist licensed in New Jersey, or other satisfactory proof in  
19 accordance with that paragraph shall be entitled to the reinstatement  
20 of any firearms purchaser identification cards, permits to purchase a  
21 handgun, and any other permit or license authorizing possession of  
22 a firearm seized pursuant to this subsection.

23 (cf: P.L.2019, c.59, s.27)

24  
25 2. N.J.S.2C:11-6 is amended to read as follows:

26 2C:11-6. Aiding Suicide. A person who purposely aids  
27 another to commit suicide is guilty of a crime of the second degree  
28 if his conduct causes such suicide or an attempted suicide, and  
29 otherwise of a crime of the fourth degree. **【Any action taken in**  
30 **accordance with the provisions of P.L.2019, c.59 (C.26:16-1 et al.)**  
31 **shall not constitute suicide or assisted suicide.】**

32 (cf: P.L.2019, c.59, s.28)

33  
34 3. Sections 1 through 26 of P.L.2019, c.59 (C.26:16-1 et al.)  
35 are repealed.

36  
37 4. This act shall take effect immediately.

#### 40 STATEMENT

41  
42 This bill repeals the “Medical Aid in Dying for the Terminally Ill  
43 Act,” P.L.2009, c.59 (C.26:16-1 et seq.), which allows terminally ill  
44 patients to request medication that the patient may self-administer  
45 to terminate the patient’s life.